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October 31, 2021

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Nicholas G. Garaufis, U.S.D.J.
225 Cadman Plaza, Courtroom 4D South
Brooklyn, NY 11201-1804

Re: Ortega v. Champagne Room BK, Inc., et al.
Case No.: 1:21-cv-1125 (NGG) (CLP)

Dear Judge Garaufis:

This office represents the Plaintiff Iuminada Ortega (hereinafter the "Plaintiff") in the above referenced case. Plaintiff writes to respectfully request an extension of time to complete discovery pursuant to ¶ III(E) of this Court's Individual Rules.

Consistent with the Individual Rules, Plaintiff submits that: (i) the original date to complete fact discovery was October 31, 2021; (ii-iii) there have been no previous requests for an extension of time to complete discovery; (iv) the adversaries will not consent to the instant request because a request was made to stay discovery¹ until two (2) weeks after a decision is made on their anticipated motion to dismiss; (v) Plaintiff proposes that the fact discovery deadline be extended to February 28, 2022; and (vi) Plaintiff will work together with the appearing Defendants to provide a proposed Revised Scheduling Order once this Court rules on the instant letter motion. Plaintiff thanks this honorable Court for its time and attention to this case.

Dated: Forest Hills, New York
October 31, 2021

Respectfully submitted,
SHALOM LAW, PLLC
/s/ Jonathan Shalom
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¹ It should be noted that a motion to dismiss does not stay discovery. See Hollins v. U.S. Tennis Ass'n, 469 F. Supp. 2d 67 (E.D.N.Y. 2006) (Go, U.S.M.J.) (holding that the mere filing of a motion to dismiss does not constitute "good cause" for the issuance of a stay of discovery during the pendency of a motion to dismiss).